

Rule 1, Ariz. R. Crim. P.

STATUTORY CONSTRUCTION: Rule of *ejusdem generis*, meaning “of the same kind,” requires that general words used after specific words be construed in light of the specific words used.....Revised 12/2009

When construing a statute, the court’s goal is to fulfill the intent of the legislature that wrote it. *State v. Peek*, 219 Ariz. 182, 184, 195 P.3d 641, 643 (2008); *State v. Jernigan*, 221 Ariz. 17, ¶ 9, 209 P.3d 153, 155 (App. 2009). The best and most reliable index of the legislature’s intent is the statute’s language and, when the language is clear and unequivocal, that language determines the statute’s construction. *Deer Valley Unified Sch. Dist. No. 97 v. Houser*, 214 Ariz. 293, 296, ¶ 8, 152 P.3d 490, 493 (2007); *City of Phoenix v. Johnson*, 220 Ariz. 189, 191, ¶ 9, 204 P.3d 447, 449 (App. 2009). Therefore, if a court finds no ambiguity in the statute’s language, the court must give effect to that language and may not employ other rules of construction to interpret the provision. *North Valley Emergency Specialists, L.L.C. v. Santana*, 208 Ariz. 301, 303, 93 P.3d 501, 503 (2004); *State v. Nelson*, 208 Ariz. 5, 7, ¶ 7, 90 P.3d 206, 208 (App. 2004), *citing Janson v. Christensen*, 167 Ariz. 470, 471, 808 P.2d 1222, 1223 (1991). Only if the legislative intent is not clear from the plain language of the statute do courts consider other factors such as the statute’s context, subject matter, historical context, effects and consequences, and spirit and purpose. *Watson v. Apache County*, 218 Ariz. 512, 516, ¶ 17, 189 P.3d 1085, 1089 (App. 2008); *Sanderson Lincoln Mercury, Inc. v. Ford Motor Co.*, 205 Ariz. 202, 205, ¶ 11, 68 P.3d 428, 431 (App. 2003) *citing Wyatt v. Wehmueeller*, 167 Ariz. 281, 284, 806 P.2d 870, 873 (1991).

If a statute’s meaning is less than clear, courts may use other rules of statutory construction. One such rule is the *ejusdem generis* rule, which applies when general

words follow the enumeration of particular classes of things. *Carbajal v. Industrial Com'n of Arizona*, ___ Ariz. ___, 219 P.3d 211, ¶ 9 n.1 (2009). Courts generally apply this rule to aid in the interpretation of statutes that include a list or series of specific, but similar, persons or things. *Bilke v. State*, 206 Ariz. 462, 465, ¶ 13, 80 P.3d 269, 272 (2003). This rule provides that general words following the enumeration of particular classes of persons or things should be interpreted as applicable only to persons or things of the same general nature or class as the terms specifically listed. See, e.g., *In re Julio L.*, 197 Ariz. 1, 4, ¶ 11, 3 P.3d 383, 386 (2000) [finding that the term “seriously disruptive” should be interpreted in light of the preceding specific categories of “fighting” and “violent” behavior]. See also *Bilke*, 206 Ariz. at 465, ¶ 13, 80 P.3d at 272; *State v. Barnett*, 142 Ariz. 592, 596, 691 P.2d 683, 687 (1984).